

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF IOWA**

Calvin Hammock  
5106 Brown Street  
Davenport, Iowa 52806

Plaintiff/ Petitioner  
Pro Se

**BRIEF IN SUPPORT OF**  
**MOTION FOR DEFAULT**  
**JUDGEMENT AGAINST**  
**BLACKBERRY CURVE CORP.**

**VS**

NASA HEADQUARTERS, DEPARTMENT  
OF DEFENSE, SPACE EXPLORATION  
TECHNOLOGIES SPACE X, APPLE,  
BLACKBERRY, CURVE CORP. VIRGIN  
MOBILE, MEDIACOM MCC IOWA LLC,  
AMERICAN WATER IOWA , ANY YET UN-  
IDENTIFIED ENTITIES , PERSONS,  
SATELLITES, GOVT AGENCIES, GOVT.  
TECHNOLOGIES, INTERAGENCIES, FUSION  
CENTER PARTICIPANT PARTNERS  
CORPORATIONS, COMPANIES, SOFTWARE USED  
BY AND WITH STATE ACTORS & TEMPORARY  
STATE ACTORS

**DEFENDANTS**

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**BRIEF IN SUPPORT OF MOTION FOR  
DEFAULT JUDGEMENT AGAINST  
DEFENDANT BLACKBERRY CURVE CORP.**

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**SUMMARY**

Plaintiff filed suit on October 16, 2015 against numerous Defendants for receiving injuries within the electromagnetic spectrum with those acting under color of law. Defendant Blackberry Curve Corporation was served Summons and Complaint on November 18, 2015 . Plaintiff returned Affidavit of Service to the Clerk of the Court on December 9, 2015

Blackberry Curve Corporation did not deliver a responsive pleading as required by Federal Rules of Civil Procedure within the 21 days after being served as mandated by Rule 12(a)(1)(A)(i). Plaintiff files Motion for Default Judgement and Brief against Defendant Blackberry Curve Corp. per Federal Rules of Civil Procedure 55 (a) and 55 (b) (1) on December 21, 2015.

## LEGAL STANDARD

1. Federal Rules of Civil Procedure Rule 12 (a)(1)(A)(i) mandate that Defendant Blackberry was to serve an answer to Plaintiffs complaint and allegations, Defendant Blackberry did not.

### **Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing**

(a) TIME TO SERVE A RESPONSIVE PLEADING.

(1) *In General.* Unless another time is specified by this rule

or a federal statute, the time for serving a responsive pleading is as follows:

(A) A defendant must serve an answer:

(i) within 21 days after being served with the summons and complaint;

2. Local District Court Rule for The Northern and Southern District of Iowa

5.2 l,1. Do not allow Blackberry to file a responsive pleading after the 21 days.

### 1. Technical Failures.

1. Jurisdictional Filing Deadline. Some deadlines in the Federal Rules of Civil, Criminal, and Appellate Procedure are jurisdictional and cannot be extended. (See, e.g., Fed. R. Civ. P. 6(b)(2).) It is the filer's responsibility to ensure, by whatever means necessary, that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of the ECF system, will not excuse the filer from compliance with a jurisdictional deadline.



Federal Rules of Civil Procedure 8 (6) admit Plaintiffs allegations against Defendant Blackberry Curve Corporation for its product injury to Plaintiff with those acting under color of law as Plaintiff has stated in the Complaint filed on October 16, 2015

Fed. R. Civ. P. 8 (6):

(6) *Effect of Failing to Deny.* An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

Plaintiff files this Motion and Brief for Default Judgement against Blackberry Curve Corporation per Federal Rules of Civil Procedure Rule 55 which states:

**Rule 55. Default; Default Judgment**

(a) ENTERING A DEFAULT. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

(b) ENTERING A DEFAULT JUDGMENT.

(1) *By the Clerk.* If the plaintiff's claim is for a sum certain

or a sum that can be made certain by computation, the clerk— on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

## **ARGUMENT**

Defendant Blackberry Curve Corporation was to file a responsive pleading to Plaintiffs allegations as required by Fed. R. Civ. Pro. 12(a)(1)(A) (i) . Per Jurisdictional Local Court Rule 5.2 l, 1. Defendant is time barred from filing a responsive pleading to Plaintiff's allegations against Defendant Blackberry Curve Corporation. Defendant Blackberry Curve Corporations failure to respond to Plaintiffs complaint within the 21 day period per Fed. R. Civ. Pro. 8 (6) admit Plaintiff's allegations against Defendant Blackberry Curve Corporation.

## **CONCLUSION**

For these foregoing reasons Plaintiff so moves this Court under Rule 55 (a) (b)(1) to GRANT this Motion and Brief for Default Judgement against Defendant Blackberry Curve Corporation.

I declare under penalty of perjury the foregoing is true and correct.

December 21, 2015



Respectfully Submitted

### CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2015 I am placing in the U.S. mail by certified mail a copy of this Motion for Default and Brief in support of to all defendants and or defendants attorneys.

Notary:

